

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
ZACKARY AUSTIN, )  
Defendant. )

3:11-CR-139-HDM (WGC)

## **PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on July 25, 2012, defendant ZACKARY AUSTIN pled guilty to Count One of a Two-Count Superseding Criminal Indictment charging him with Receipt of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(2) and (b). Superseding Indictment, ECF No. 13.

This Court finds defendant ZACKARY AUSTIN agreed to the forfeiture of the property set forth in Forfeiture Allegation of the Superseding Criminal Indictment. Superseding Criminal Indictment, ECF No. 13; Plea Memorandum, ECF No. 27.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Superseding Criminal Indictment and the offense to which defendant ZACKARY AUSTIN pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 2253:

- 1       1. Acer Laptop Computer, Model No. 5552 SN LXR44021490512FF491601;
- 2       2. 750 Gigabyte Toshiba external hard drive, Serial No. 81UJC54VTMC1;
- 3       3. Numerous CDs and DVDs; and
- 4       4. any book, magazine, periodical, film, videotape, or other matter which contains  
5               any such visual depiction, which was produced, transported, mailed, shipped,  
6               or received in violation of Title 18, United States Code, Section 2252A  
7               ("property").

8               This Court finds the United States of America is now entitled to, and should, reduce the  
9               aforementioned property to the possession of the United States of America.

10          NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
11               United States of America should seize the aforementioned property.

12          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
13               ZACKARY AUSTIN in the aforementioned property is forfeited and is vested in the United States  
14               of America and shall be safely held by the United States of America until further order of the  
15               Court.

16          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
17               shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
18               website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state  
19               the time under the applicable statute when a petition contesting the forfeiture must be filed, and  
20               state the name and contact information for the government attorney to be served with the petition,  
21               pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

22          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
23               with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South  
24               Virginia Street, 3<sup>rd</sup> Floor, Reno, NV 89501.

25               ...

26               ...

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
3 following address at the time of filing:

4 Greg Addington  
5 Assistant United States Attorney  
6 100 West Liberty Street, Suite 600  
7 Reno, NV 89501

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
10 following publication of notice of seizure and intent to administratively forfeit the above-described  
property.

11 DATED this 27th day of July, 2012.

14 *Howard D. McKibben*

15 UNITED STATES DISTRICT JUDGE